

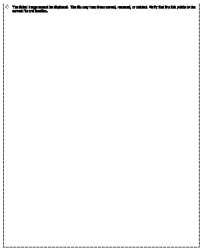
Message

From: Thill, Stephen D [SThill@idem.IN.gov]
Sent: 11/15/2021 7:58:04 PM
To: Huggins, Richard [Huggins.Richard@epa.gov]
Subject: IKEC Clifty Creek (FW: IKEC CCR Variance Request - Follow-up)
Attachments: ATT00001.txt

Hi Richard,

As you were copied on Mr. Brown's November 1, 2021 email and letter to Commissioner Pigott, I thought you might be interested to see IDEM's initial response, below. Regardless of what you might be hearing from IKEC, IDEM is not standing in the way of IKEC's compliance with federal CCR deadlines. Happy to discuss further if you like.

Best,
Steve



Stephen D. Thill
Chief, Permits Branch | Office of Land Quality
Indiana Department of Environmental Management

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Celebrating Thirty-Five Years of Protecting Hoosiers and Our Environment

From: Burns, Kyle <KBurns@idem.IN.gov>
Sent: Friday, November 12, 2021 3:33 PM
To: mbrown@ovec.com
Cc: gcoriell@ovec.com; Sullivan, Tony <Tony.Sullivan@btlaw.com>; Reiss, Jessica <jessica.reiss@btlaw.com>; Thill, Stephen D <SThill@idem.IN.gov>; PIGOTT, BRUNO <BPIGOTT@idem.IN.gov>; Rockensuess, Brian <BRockens@idem.IN.gov>; Dorsey, Peggy <PDorsey@idem.IN.gov>; WEBB, COREY <CWEBB@idem.IN.gov>; KING, NANCY <N KING@idem.IN.gov>
Subject: RE: IKEC CCR Variance Request - Follow-up

Mr. Brown:

I am writing in response to your 11/10/2021 email to Commissioner Pigott. Your 11/1/2021 letter to the Commissioner is still under internal review. This email is not a full or final response to that letter. I was asked to respond to your email because your variance request touches on many of the legal disputes at issue in the pending OEA appeal, Cause No. 21-S-J-5146.

The agency understands IKEC's position regarding its November 15 deadline to commence CCR closure activities. IDEM is in no way prohibiting IKEC from doing what it believes is necessary to comply with federal CCR deadlines. To be clear, IKEC is free to begin closure construction activities if it wishes. IDEM recognizes IKEC's potential risk of conducting closure activities that IDEM may later determine do not satisfy Indiana's rules, but IDEM has not created that risk. If IKEC felt it needed IDEM's pre-approval of its closure activities to avoid problems meeting deadlines, IKEC could and should have sought approval of its closure plans long before June 17, 2021.

IDEM appreciates IKEC's patience regarding the agency's full response to the 11/1/2021 letter.

Best,
Kyle

Kyle Burns

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Indiana Department of Environmental Management
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From: MBrown@ovec.com <MBrown@ovec.com>

Sent: Wednesday, November 10, 2021 12:45 PM

To: PIGOTT, BRUNO <BPIGOTT@idem.IN.gov>

Cc: gcoriell@ovec.com; Dorsey, Peggy <PDorsey@idem.IN.gov>; WEBB, COREY <CWEBB@idem.IN.gov>; Thill, Stephen D <SThill@idem.IN.gov>

Subject: IKEC CCR Variance Request - Follow-up

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Dear Commissioner Pigott:

I am writing as a follow-up to the letter I sent via email on November 1, 2021 requesting your assistance regarding the Indiana-Kentucky Electric Corporation's (IKEC's) need to commence CCR closure activities at the Clifty Creek Station's West Boiler Slag Pond and Landfill Runoff Collection Pond. As noted in the letter, these closure activities need to commence on November 15, 2021 to meet the "as soon as technically feasible" dates contained in the facility's CCR Part A demonstration, which was submitted to U.S. EPA in compliance with the CCR Rule, Part A. This date is critical for the facility to ultimately maintain compliance with two federal rules - the CCR Rule as well as the updated Effluent Limitation Guideline (ELG) Rule applicable to certain facility waste water discharges.

IKEC requests that you please consider taking action in regard to one of the two options presented within our letter.

Please feel free to contact me at either number below, or Gabe Coriell at (740)289-7267 or (740)708-3047.

Sincerely,

J. Michael Brown
Environmental, Safety & Health Director
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Indiana-Kentucky Electric Corporation
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Work SAFE today, someone will need you tomorrow!